

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

SCOTT D. LEVY,

Plaintiff,

VS.

FEDERAL BUREAU OF
INVESTIGATION, *et al.*,

Defendants.

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CIVIL ACTION NO. H-06-1818

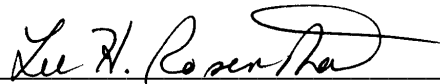
ORDER

Service of this action, filed on May 31, 2006, has not been effected. Federal Rule of Civil Procedure 4(m) provides in part:

If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court . . . shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period.

In accordance with this rule, it is ORDERED that plaintiff file proof that he has effected service no later than **September 29, 2006**. Failure to do so may lead to dismissal of this action without prejudice. The initial pretrial and scheduling conference scheduled for September 29, 2006 is canceled and will be reset after proof of service is filed.

SIGNED on August 29, 2006, at Houston, Texas.



Lee H. Rosenthal
United States District Judge